

CONGRATULATORY RESOLUTIONS

S.C.R. 23 - By Barrientos: Extending congratulations to employees of the Lower Colorado River Authority.

S.R. 27 - By Brooks: Extending congratulations to Vince Stiglich, Jr.

ADJOURNMENT

The President announced the purpose of the Joint Session had been accomplished and declared the Senate at 11:50 o'clock a.m. would stand adjourned until 11:00 o'clock a.m. tomorrow, in accordance with a motion previously adopted by the Senate.

EIGHTH DAY

(Wednesday, January 23, 1985)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Barrientos, Blake, Brooks, Brown, Edwards, Farabee, Harris, Henderson, Howard, Jones, Kothmann, Krier, Leedom, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Uribe, Washington, Whitmire, Williams.

Absent-excused: Caperton, Glasgow, Truan.

A quorum was announced present.

Senator John Sharp offered the invocation as follows:

Our Father, as we consider the task before us, let each of us have enough wisdom to know Your will, let each of us have enough courage to do Your will as we know it, but give each of us understanding, enough grace, that we may recognize and appreciate the differing views of our colleagues, and make each of us humble enough to know that none of us have cornered the market on righteousness. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

Senator Truan was granted leave of absence for today on account of death in family on motion of Senator Mauzy.

Senator Caperton was granted leave of absence for today on account of important business on motion of Senator Harris.

Senator Glasgow was granted leave of absence for today on account of important business on motion of Senator Mauzy.

MESSAGE FROM THE HOUSE

House Chamber
January 23, 1985

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 21, In memory of C. E. Courtney of Fort Worth.

H.C.R. 22, Honoring the Reverend Joe Samuel Ratliff.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

REPORTS OF STANDING COMMITTEES

Senator Traeger submitted the following report for the Committee on Intergovernmental Relations:

S.B. 117 (Amended)
S.B. 131
S.B. 80
S.B. 27
C.S.S.B. 78
C.S.S.B. 130

Senator Mauzy submitted the following report for the Committee on Jurisprudence:

S.B. 88
S.B. 97
S.J.R. 5
S.B. 84

Senator Parker submitted the following report for the Committee on Education:

C.S.S.B. 2

Senator Howard submitted the following report for the Committee on Nominations:

We, your Committee on Nominations, to which were referred the attached appointments, have had same under consideration, and beg to report them back to the Senate for final consideration.

To be SECRETARY OF STATE: Myra McDaniel, Travis County.

To be a Member of the STATE PURCHASING AND GENERAL SERVICES COMMISSION: Richard C. Strauss, Dallas County.

To be a Member of the TEXAS EMPLOYMENT COMMISSION: Mary Scott Nabers, Travis County.

To be a Member of the CREDIT UNION COMMISSION: Dennis Morgan, Wharton County.

To be a Member of the STATE BOARD OF DENTAL EXAMINERS: Lydia Evaro Torres, Midland County.

To be Members of the BATTLESHIP TEXAS ADVISORY BOARD: Joe S. Cathey, Harris County; Philip L. Chumlea, Harris County; Robert M. Ewing, Dallas County; Mrs. Caroline K. Gregory, Harris County; Denny G. Hair, Harris County; Mrs. Rosalie L. Kuntz, Harris County; Steven Lunsford, Galveston County; Thomas Mitchell, Harris County; Frank E. Tritico, Harris County.

To be BRANCH PILOT FOR THE PORT ARANSAS BAR, CORPUS CHRISTI BAY AND TRIBUTARIES: Captain Buford Earl. McRae, Nueces County.

To be BRANCH PILOT FOR THE PORTS OF GALVESTON COUNTY: Captain Jack H. Smith, Galveston County.

To be BRANCH PILOTS FOR THE GALVESTON BAR AND HOUSTON SHIP CHANNEL: Captain Francis Michael Kershaw, Harris County; Captain Leslie D. Palmer, Harris County; Captain Jack W. Rowland, Galveston County; Captain Jimmie Lee Williams, Harris County.

To be BRANCH PILOTS FOR THE SABINE BAR, PASS AND TRIBUTARIES: Captain William J. Baran, Jefferson County; Captain Robert C. Brown, Jefferson County; Captain Michael J. Casey, Jefferson County; Captain Michael J. Gerdes, Jefferson County; Captain Millard A. Scott, Jefferson County; Captain Konstantinos I. Selinidis, Jefferson County; Captain Thomas B. Smith, Jefferson County.

To be Members of the PILOT COMMISSION FOR THE PORT OF GALVESTON AND TEXAS CITY: Cliff Burks, Galveston County; Carl Gay, Galveston County; Patricia Gray, Galveston County; Charles Jordan, Galveston County.

To be JUDGE, 264th JUDICIAL DISTRICT, BELL COUNTY: Jack W. Prescott, Bell County.

SENATE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions were introduced, read first time and referred to the Committee indicated:

S.B. 218 by Truan State Affairs
Relating to the rights of employees of the state and its political subdivisions.

S.B. 219 by Truan State Affairs
Relating to credit in the Employees Retirement System of Texas for certain service performed by persons who became highway department employees.

S.B. 220 by Truan Education
Relating to a duty-free lunch period for teachers actively engaged in the instruction and supervision of public school students.

S.B. 221 by Williams State Affairs
Relating to the transfer of certain property to, and the registration of certain vehicles of, the Civil Air Patrol, Texas Wing.

S.B. 222 by Montford Jurisprudence
Relating to who the original petitioner in a suit affecting the parent-child relationship may be.

S.B. 223 by Parker, Barrientos, Blake, Education
Brooks, Brown, Edwards, Farabee, Harris, Howard, McFarland, Mauzy, Montford,
Parmer, Sarpalius, Sharp, Traeger, Truan, Whitmire, Williams
Relating to creation of a hazardous waste alternative center at Lamar University.

S.B. 224 by Uribe Health and Human Resources
Relating to the dispensing of dangerous drugs after prescriptions issued by certain
foreign practitioners and declaring an emergency.

S.B. 225 by Sharp, Parker Natural Resources
Relating to the continuation of the Texas Coastal and Marine Council and its
administration, powers, and duties.

S.B. 226 by Traeger Intergovernmental Relations
Relating to emergency financial reserves of the firemen's relief and retirement fund.

S.B. 227 by Traeger Health and Human Resources
Relating to licensing disposal sites of the Texas Low-Level Radioactive Waste
Disposal Authority.

S.B. 228 by Henderson Economic Development
Relating to the regulation of certain carriers of currency and similar items.

S.B. 229 by Sarpalius Natural Resources
Relating to soil and water conservation districts and the operation and continuation
of the State Soil and Water Conservation Board.

S.B. 230 by Montford Criminal Justice
Relating to the rights of crime victims and the effect of those rights on the sentencing
and availability of bail and release to parole for defendants and to victim assistance
coordinators and their duties.

S.B. 231 by Montford Natural Resources
Relating to the application of commercial feed laws to cottonseed screenings and
cotton plant by-products.

S.J.R. 10 by Montford Jurisprudence
Proposing a constitutional amendment granting the supreme court jurisdiction to
answer questions of state law certified from federal courts.

S.C.R. 22 by Washington Jurisprudence
Granting Kehinde L. Saaka permission to sue the State of Texas.

S.C.R. 24 by Parker Jurisprudence
Granting Rodney Landry and Gloria Landry permission to sue the State of Texas.

S.R. 30 by Truan, Brown, Caperton Education
Providing for a special interim study committee regarding advances in veterinary
science education.

RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate the
following enrolled resolutions:

S.C.R. 12

S.C.R. 16

CO-AUTHORS OF SENATE BILL 2

On motion of Senator Farabee and by unanimous consent, Senators Sarpalius
and Lyon will be shown as Co-authors of **S.B. 2**.

CO-AUTHOR OF SENATE BILL 23

On motion of Senator Harris and by unanimous consent, Senator Parmer will be shown as Co-author of S.B. 23.

SENATE CONCURRENT RESOLUTION 15

Senator Howard offered the following resolution:

WHEREAS, For almost 39 years, the State of Texas has benefited enormously from the wisdom and legal expertise of one of its most esteemed and respected jurists, the Honorable Jack Pope; and

WHEREAS, It was with deep and sincere regret that the State of Texas witnessed the close of the public career of Judge Pope who retired from the Supreme Court of Texas in January of 1985; and

WHEREAS, Born April 18, 1913, in Abilene, Judge Pope attended local schools before graduating from Abilene Christian College in 1934; after receiving his LL.B. degree from The University of Texas School of Law in 1937 where he served on the editorial board of the Texas Law Review, Judge Pope entered private practice in Corpus Christi; and

WHEREAS, His career interrupted by his gallant service in World War II, Judge Pope returned to his law practice after the war and in 1946 served as president of the Nueces County Bar; and

WHEREAS, Appointed judge of the 94th District Court in 1946, Judge Pope was elected an associate justice of the Fourth Court of Civil Appeals in 1950; and

WHEREAS, Serving in that capacity for 15 years, Judge Pope became noted for his honesty, integrity, and unswerving adherence to the constitution and laws of this state; and

WHEREAS, Elected to the Supreme Court in 1964, Judge Pope was soon recognized as one of the court's preeminent legal scholars and opinion writers with almost 1,000 published court opinions and 70 law review or law-related articles; and

WHEREAS, The rules member of the Supreme Court's Advisory Committee on Rules of Civil Procedure, Judge Pope was a foremost authority in procedural matters; and

WHEREAS, Appointed Chief Justice in 1982, Judge Pope proved himself an effective and innovative leader; credited with establishing the Judicial Budget Board, Judge Pope also created a judicial education committee; and

WHEREAS, A strong proponent for reform of the venue statutes, Judge Pope also favored codification of the rules of evidence and the Equal Access to Justice Program during the 68th legislative session; and

WHEREAS, A three-time recipient of the Texas Bar Foundation's Law Review Award, Judge Pope also received the Joe R. Greenhill Judicial Award, the St. Thomas More Award, and the Rosewood Gavel Award; and

WHEREAS, One of the most highly regarded members of the Texas Judiciary, Judge Pope has received honorary doctorate of laws degrees from Abilene Christian University, Pepperdine University, St. Mary's University, and Oklahoma Christian College; and

WHEREAS, Chairman of the board of editors of Appellate Procedure in Texas and chairman of the State Library Board, Judge Pope has been a member of the Nueces County Bar, San Antonio Bar, Travis County Bar, Hill Country Bar, American Judicature Society, American Bar Association, Law Science Institute, and American Society for Legal History; and

WHEREAS, Throughout his 47-year career in the legal profession, Judge Pope has shouldered many duties and responsibilities with the State Bar and has served as chairman of the Judicial Section, the Appellate Judges Section, the Judicial Ethics Committee, Rules and Statutes Committee, and Citizenship Committee; he also

served as a member of the Committee on Administration of Justice, Judicial Sections Legislative Committee, and the Family Law Committee; and

WHEREAS, A faithful member of the Church of Christ, Judge Pope has served the church loyally and faithfully; a former trustee of Abilene Christian University, he has been an elder in the Jefferson Congregation of San Antonio and a member of University Avenue Church of Christ; and

WHEREAS, Judge Pope and his gracious wife, Allene Nichols Pope, are the proud parents of two fine sons, A. J. Pope III and Allen Pope; and

WHEREAS, Few people have dedicated themselves so completely and strongly to upholding the legal principles of the Anglo-American judicial tradition as has Judge Jack Pope; now, therefore, be it

RESOLVED, That the 69th Legislature of the State of Texas hereby commend the outstanding public career of service and achievement of Judge Jack Pope with best wishes for a rewarding and satisfying retirement; and, be it further

RESOLVED, That a copy of this resolution be prepared for Judge Jack Pope as an expression of highest esteem and respect from the Texas Legislature.

HOWARD
JONES

The resolution was read.

On motion of Senator Howard and by unanimous consent, the resolution was considered immediately and was adopted by a rising vote of the Senate.

GUESTS PRESENTED

Senators Howard and Jones presented Judge and Mrs. Pope to the Members of the Senate.

The President presented an enrolled copy of S.C.R. 15 to Judge Pope.

Judge Pope expressed his appreciation to the Senate.

SENATE RESOLUTION 28

Senator Traeger offered the following resolution:

S.R. 28, Declaring January 23, 1985, "University System of South Texas Day".

TRAEGER
TRUAN

The resolution was read and was adopted.

SENATE RESOLUTION 32

Senator Mauzy offered the following resolution:

WHEREAS, Senator Ted Lyon of Senatorial District 2 was born 37 years ago on January 23, 1948; and

WHEREAS, A Mesquite lawyer and former police officer, this esteemed gentleman served two terms as a State Representative before his arrival to the Senate in 1983; and

WHEREAS, A Kaufman County native, Senator Lyon attended East Texas State University at Commerce before receiving his law degree from Southern Methodist University; and

WHEREAS, Ted Lyon earned a reputation as a champion of sportsmen's legislation in the passage of the Texas Conservation Act; and

WHEREAS, Perhaps his proudest moment in the past legislative session was the passage of generic drug legislation; other bills he sponsored encouraged a new

code of ethics for lawmakers, tougher child abuse laws, and low-interest loans for small farmers; and

WHEREAS, Recently, this lawmaker was named by Texas Observer magazine and the Combined Law Enforcement Associations of Texas as one of the state's best legislators; and

WHEREAS, He and his gracious wife, Donna, have two fine young sons, Ted III and Payton; and

WHEREAS, It is indeed a great pleasure for the Senate of the State of Texas to honor such a diligent Member of this body as Ted Lyon on the occasion of his 37th birthday; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 69th Legislature, hereby wish a hearty happy birthday with many happy returns to Senator Ted Lyon; and, be it further

RESOLVED, That a copy of this Resolution be prepared for Senator Lyon as a token of deepest regard from the Texas Senate.

The resolution was read and was adopted.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas
January 21, 1985

TO THE SENATE OF THE SIXTY-NINTH LEGISLATURE,
REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE JUDGE OF THE CRIMINAL DISTRICT COURT NO. 4, TARRANT COUNTY, UNTIL THE NEXT GENERAL ELECTION AND UNTIL HIS SUCCESSOR SHALL BE ELECTED AND DULY QUALIFIED:

JOE DRAGO III
5713 Waltham
Fort Worth, Texas 76133

(Mr. Drago is replacing the Honorable Gordon L. Gray of Fort Worth, Tarrant County, Texas, who resigned.)

TO BE ASSOCIATE JUSTICE OF THE THIRTEENTH SUPREME JUDICIAL DISTRICT COURT OF APPEALS, UNTIL THE NEXT GENERAL ELECTION AND UNTIL HIS SUCCESSOR SHALL BE ELECTED AND DULY QUALIFIED:

J. BONNER DORSEY
650 DeForrest
Corpus Christi, Texas 78404

(Mr. Dorsey is replacing the Honorable Horace S. Young who is deceased.)

Respectfully submitted,

/s/Mark White
Governor of Texas

NOTICE OF CONSIDERATION OF NOMINATIONS

Senator Howard gave notice that he would tomorrow at the conclusion of Morning Call submit to the Senate for consideration nominations to agencies, boards and commissions of the State.

SENATE BILL 45 ON SECOND READING

On motion of Senator Traeger and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 45, Relating to enforcement of administrative requirements applicable to certain public retirement systems.

The bill was read second time and was passed to engrossment.

SENATE BILL 45 ON THIRD READING

Senator Traeger moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 45** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Washington.

Absent-excused: Caperton, Glasgow, Truan.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0.

Absent-excused: Caperton, Glasgow, Truan.

SENATE RULE 103 SUSPENDED

On motion of Senator Blake and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Administration might consider **S.R. 8** upon adjournment today.

RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate, the following enrolled resolutions:

H.C.R. 17

H.C.R. 18

H.C.R. 20

MEMORIAL RESOLUTIONS

H.C.R. 21 - (McFarland): Memorial resolution for C. E. Courtney.

S.R. 33 - By Brooks: Memorial resolution for Samuel "Sam" M. Holland.

CONGRATULATORY RESOLUTIONS

H.C.R. 19 - (Lyon): Commending Brad Burger.

S.C.R. 25 - By Krier: Recognizing February 15, 1985, as Susan B. Anthony Day in Texas.

S.C.R. 26 - By Parker: Extending congratulations to the French High School Buffaloes.

S.R. 29 - By Howard: Extending congratulations to A. C. Newsome.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 11:30 o'clock a.m. adjourned until 11:00 o'clock a.m. tomorrow.

NINTH DAY

(Thursday, January 24, 1985)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Barrientos, Blake, Brooks, Brown, Edwards, Harris, Henderson, Howard, Jones, Kothmann, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sims, Traeger, Truan, Uribe, Washington, Williams.

Absent-excused: Caperton, Farabee, Glasgow, Mauzy, Sharp, Whitmire.

A quorum was announced present.

Senator John Leedom offered the invocation as follows:

Dear Heavenly Father, we thank Thee for the opportunity to come together as a body to deliberate upon the needs and opportunities for the citizens of this State. We pray that You guide us in our deliberations at all times, that whatever we do would be pleasing to Thy will and would be foremost in the center of our actions. We ask for travel mercies on this weekend so as we go back to our districts, You would protect us. Bless this whole body and all that it represents. In Christ's name, Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

Senator Glasgow was granted leave of absence for today on account of important business on motion of Senator Edwards.

Senator Sharp was granted leave of absence for today on account of illness in family on motion of Senator Traeger.

Senator Farabee was granted leave of absence for today on account of important business on motion of Senator Harris.

Senator Whitmire was granted leave of absence for today on account of important business on motion of Senator Williams.

Senator Mauzy was granted leave of absence for today on account of important business on motion of Senator Uribe.

Senator Caperton was granted leave of absence for today on account of important business on motion of Senator Edwards.